

July 27, 2012

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *In the Matter of Petitions for Waiver of the Commission's Rules Regarding  
Access to Numbering Resources, CC Docket No. 99-200***

Dear Ms. Dortch:

On July 26, 2012, my law partner, John C. Dodge, and I, on behalf of SmartEdgeNet, LLC ("SEN"), met with Nicholas Degani, Legal Advisor to Commissioner Ajit Pai, to discuss SEN's Petition for Waiver of Section 52.15(g)(2)(i) of the Commission's Rules. If the Commission grants the Petition, it will allow SEN to obtain access to number resources as an IP-enabled enhanced service provider without the need to operate through a state certificated carrier.

Mr. Dodge and I described SEN's IP-enabled services stating that SEN has moved control of the network onto the customer's premise. We explained that a grant of the Petition would (i) allow SEN to avoid the burden of depending on another carrier for number resources; (ii) encourage the implementation of IP-enabled services; and (iii) stop the discrimination inherent in the rule by placing SEN on a level playing field with non-IP-enabled carriers.

We stated that the rule requiring state certification to gain access to number resources was an anachronism. We pointed out that the rule did not take into account VoIP services because the rule was imposed during the nascent years of VoIP, when VoIP was not yet considered a retail offering.

We stated that all of the arguments in opposition to waiving the rule are based on the self-interest of the opposing carriers and not the public interest.

We stated that the opposing arguments are applicable to all carriers, regardless of whether their services are IP-enabled. As such, they are red-herrings. For instance, we pointed out that number exhaust would occur regardless of whether IP-enabled service providers gain access to

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number resources because under current rules, IP-enabled service providers can obtain such access through intermediary carriers.

We stated that any concerns about state oversight are met not by the requirement to become a state certified carrier but by the state's oversight authority. In other words, states can impose their authority over number resources on all service providers regardless of whether they are state certified.

We stated that the Commission should not wait on a rulemaking proceeding because such proceedings have historically been lengthy. We stated that a rulemaking would also get bogged down by other issues. Indeed, if the Commission wanted to move quickly, a waiver is an appropriate mechanism given the public interest benefit of doing so in this instance.

Any questions regarding this matter should be directed to the undersigned.

Sincerely,

  
DAVIS WRIGHT TREMAINE LLP  
Randall B. Lowe

cc: Nicholas Degani